REMARKS

The specification has been objected to due to informalities. A review of the specification, on page 5, line 5, does not reveal a disclosure of "Time Frequency Division Duplex." Therefore, the Examiner is respectfully requested to further identify this informality or withdraw the objection from the record.

Claims 4 and 11 have been objected to due to informalities. Claim 11 has been amended for clarity.

Claim 4 has been rejected under 35 USC 112, second paragraph. Claim 4 has been amended to add the term "and," mistakenly omitted from the claim.

Claims 1-6, 9, 10, 12-14, 17-21 and 23-28 have been rejected under 35 USC 103(a) as unpatentable over Bohm (U.S. Patent No. 5,133,001) in view of Shaughnessy (U.S. Patent No. 5,392,449). The rejection is respectfully traversed.

The claimed invention relates to an in-house subsystem in a mobile radio telephone network. The invention allows communication to take place in the subsystem such that all elements of the subsystem include means that independently organize the distribution of system resources between the home base station, intermediate stations and mobile stations. This independent organization, i.e. decentralized distribution of system resources, is performed by means of an algorithm carried out at the base station, the intermediate station and/or the mobile station. This is exemplified in claim 1, which states that "the elements of the subsystem have means which automatically organize the splitting of system resources between the fixed home base station, the at least one repeater station and the at least one mobile station."

Bohm, similar to WO-A-94/19877 cited during international examination (a copy of the IPER translated into English is submitted herewith), discloses a central distribution (i.e. central unit 26) of system resources by means of the base station. This is contrary to the claimed invention in which distribution is decentralized as evident from the independent organization. Moreover, Bohm,

as indicated by the Examiner, fails to disclose the elements of the subsystem having means which automatically organize the splitting of system resources between the fixed home base station, the at least one repeater station and the at least one mobile station. However, the Examiner contends that Shaughnessy discloses these features. Applicant's respectfully disagree with the Examiner.

Shaughnessy generally discloses a trunked communication system using intelligent repeaters, each repeater performing a series of test on its own functionality. However, these repeaters also appear to work in a decentralized manner. Specifically, Shaughnessy discloses the intelligent repeaters are controlled by a resource manager, which resource manager is a central device. For example, the abstract states that "the resource manager then selects one or more of the intelligent repeaters to perform the functions of authorization, resource allocation (708), and logging of communications (713)." This shows that a resource manager is required as a "central organizer" to allocate function and resources to a respective intelligent repeaters.

Nevertheless, assuming *arguendo* that Shaughnessy indeed discloses a decentralized system, as indicated by the Examiner, there is no reason why one having ordinary skill in the art would have been motivated to combine the references. For example, why would the skilled artisan be motivated to combine the centralized system of Bohm with the decentralized system of Shaughnessy. In fact, Bohm specifically states, in col. 2, lns. 3-6, that the transmitter/receiver units are of uniform design and are *controllable from the central unit* with respect to carrier frequency and/or channel number and/or transmitting power. This statement teaches away from any combination of a decentralized system.

Since the recited structure and method are disclosed by the applied prior art, claims 1-28 are believed patentable. In this regard, we note the Examiner appears to have mistakenly noted claims 1-26, as opposed to claims 1-28, have been rejected in paragraph 6 on page 1 of the office action.

Claim 11 has been rejected under 35 USC 103(a) as unpatentable over Bohm in combination with Shaughnessy, further in view of Akerberg (U.S. Patent No. 5,533,027); claims 8

and 22 have been rejected under 35 USC 103(a) as unpatentable over Bohm in combination with Shaughnessy, further in view Akerberg (U.S. Patent No. 6,226,528); claims 15 and 16 have been rejected under 35 USC 103(a) as unpatentable over Bohm in combination with Shaughnessy, further in view Pillekamp (U.S. Patent No. 6,535,731). The rejections are respectfully traversed for the same reasons presented in the arguments above, and for the following reasons. Neither Akerberg ('027 or '528) nor Pillekamp teach or suggest that the elements of the subsystem have means which automatically organize the splitting of system resources between the fixed home base station, the at least one repeater station and the at least one mobile station.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122003700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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